

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>PHILLIP POND,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: right;">5:24-CR-50009-KES-02</p> <p style="text-align: center;">ORDER DENYING MOTION FOR TRANSPORT (DOCKET 134)</p>
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Pond submitted a *pro se* motion “mov[ing] this court to order the Martials [sic] to transport Mr. Pond immediately to his discovery materials where he can spend considerable periods of legal access in preparation of Jury Trial pursuant 15th, 6th & 14th amendments to US Constitution.” (Doc. 134, p. 2). The United States did not respond to Pond’s motion.

Pond is a *pro se* detainee who choose to forgo appointed legal counsel. It is well settled in the Eighth Circuit that an indigent criminal defendant may choose to forgo appointed legal counsel, but that decision does not give rise to a right to access a legal library. See Stanko v. Patton, 2007 WL 1309701, at *2 (D. Neb. Mar. 28, 2007) (quoting United States v. Cooper, 375 F.3d 1041, 1051-52 (10th Cir. 2004)) (“When a prisoner voluntarily, knowingly, and intelligently waives his right to counsel in a criminal proceeding, he is not entitled to access to a law library or other legal materials. . . . At a minimum, the Eighth Circuit has repeated[ly] held that any right of access to legal

resources and materials asserted by a pretrial detainee, if such right exists, is wholly satisfied by assistance from standby counsel or similar source provided by the detainee's presiding court."); see also United States v. Thompson, 365 F. App'x 42, 44 (8th Cir. 2010) (denying relief where a pro se criminal defendant sought access to a law library after successfully seeking to represent himself). Therefore, Pond's request for the Marshals to transport him immediately to his discovery materials where he can spend considerable periods of time in preparation for his jury trial is hereby denied.

DATED this 23rd of April 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Daneta Wollmann", written over a horizontal line.

DANETA WOLLMANN
United States Magistrate Judge